IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17157 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SANJAY BHANJIBHAI PATEL

Versus

B.D.TAKODARA OR HIS SUCCESSOR IN OFFICE

Appearance:

1. Special Civil Application No. 17157 of 2004

MR CHIRAG B PATEL for Petitioner No. 1-130

MR AY KOGJE A.G.P. for Respondent No. 1

MR TUSHAR MEHTA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 07/01/2005

ORAL JUDGEMENT

1. RULE. Mr. Kogje learned A.G.P. waives service of rule on behalf of respondent no. 1 and Mr.Tushar Mehta waives service of rule on behalf of respondent

no.2. With the consent of the parties, the matter is taken up for final hearing today.

2. Heard the learned advocates for the parties. Looking to the facts and circumstances of the case, the interest of justice would be met if the petitioners are directed to approach the Director, Agriculture Marketing & Rural Finance by way of Appeal within 72 hours from the date receipt of the order which has been passed by the Market Committee. The Market Committee will serve the decision on 10.1.2005 taken on the application filed by the petitioners.

3. In the meantime, the authorized officer will include the names of the petitioners provisionally subject to the outcome of the proceedings which may be initiated by the petitioners. If the names of the petitioners are included, the same will be subject to Rule 6. Thus, this arrangement is made in view of the fact that if, names are not entered at this stage, the petitioners' name cannot be included subsequently in view of the law laid down by this Court.

4. In the premises aforesaid, it is directed that the petitioners shall file appeal under Section 27 (5) of the Act before the Director, Agriculture Marketing & Rural Finance within 72 hours from the date of receipt of the order and the Director, Agriculture Marketing & Rural Finance shall hear the Appeal, preferably within one week and not later than three weeks from the date of the receipt of Appeal.

5. With the above observations and directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

6. Direct Service is permitted today.

[K.S. JHAVERI, J.]

/phalguni/